

Application No. 09/544,968
Amdt dated: June 11, 2003
Reply to Office Action of Feb. 12, 2003

Claim 55. (Previously added) The pharmaceutical composition according to Claim 1 wherein X is N.

Claim 56. (Previously added) The method according to Claim 42 wherein X is CH.

Claim 57. (Previously added) The method according to Claim 42 wherein X is N.

Claim 58. (Previously added) The method according to Claim 47 wherein X is CH.

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Claim 59. (Previously added) The method according to Claim 47 wherein X is N.

Remarks

Claim 39 is amended to correct an obvious typographical error at the top of the structure: -CH₂- is replaced with -CH-. This amendment introduces no new matter.

Claims 42-48 and 51 stand rejected under 35 USC §112, first paragraph, for lack of enablement. The Examiner contends that applicants have not provided reasonable enablement for treating all cancers. Applicants respectfully traverse, however to expedite the prosecution of the present application applicants have amended independent claims 42, 45 and 47 to specify that the cancer to be treated is prostate, breast, pancreatic liver, lung, colon or ovarian cancer. Applicants make this amendment without prejudice to pursue claims directed to the treatment of other cancers in subsequent applications. This amendment is believed to fully address the Examiner's concerns and applicants request the withdrawal of this rejection.

Claim 46 stands rejected under 35 USC §112, second paragraph for usage of the term "substantially pure." Applicants respectfully submit that one of ordinary skill in the art would readily appreciate the scope of a substantially pure form of the compound of claim 1 and

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would appreciate whether their acts fall within the scope of the claim. 35 USC §112, second paragraph requires nothing more, the mere fact that a term is broad does not make it indefinite. However, to expedite the prosecution of the present application applicants have canceled claim 46.

The application as amended is believed to be in condition for allowance and applicants hereby request the withdrawal of the remaining rejections under 35 USC § 112, first and second paragraph and passage of the application to issuance. The Commissioner is hereby authorized to charge the extension fee of \$205 and any other fees due for this submission to Deposit Account No. 50-0423, as well as credit any refunds.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John P. Breen', with a long horizontal flourish extending to the right.

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